

STATE OF MAINE
BYLAWS
OF THE
MAINE FIRE PROTECTION SERVICES COMMISSION

ARTICLE I - NAME, AUTHORITY AND RESPONSIBILITIES

Section 1 **Name**

The name of the Commission, created in Title 5 MRSA Chapter 319 § 3371 shall be the Maine Fire Protection Services Commission (hereinafter designated as the “Fire Commission”).

Section 2 **Authority and Responsibility**

(A) The Maine Fire Protection Services Commission is established to monitor and evaluate the State's fire protection services system on a continuing basis and to provide recommendations to the appropriate state agencies and to the Legislature regarding necessary changes in the fire protection services system. The commission is established pursuant to section 12004-J, subsection 12.

(B) In addition, the Fire Commission shall:

Regularly advise the Governor and executive officers, the Legislature, the Maine Forest Service, municipal fire departments and any other parties affected by its recommendations regarding fire protection services;

Submit a report containing the results of its studies, findings and recommendations to the Governor and to the joint standing committee of the Legislature having jurisdiction over fire protection services matters by December 31st of each year. As resources permit, the report must include:

(1) A detailed assessment of existing and needed resources within the State's fire protection services system, including capital needs for training facilities, funding options for facilities and oversight and administration of any training facilities funds;

(2) A detailed assessment of expected resource needs in the State's fire protection services system and recommendations for funding those needs, including an evaluation of the appropriate level for the fire premium tax and bond initiative proposals;

(3) An evaluation of existing fire prevention, fire suppression, fire safety and fire training strategies and programs, including recommendations for improvements, new programs and strategies, funding options for training and oversight and administration of any training funds;

(4) Recommendations for effective management of resources within the State's fire protection services system;

(5) Recommendations for enhancing the collection and distribution of fire data, particularly as these data relate to increasing the fire protection services' capacity to fight fires and to save lives;

(6) Recommendations regarding evaluation methodology for the State's fire protection services system;

(7) Recommendations for recruitment and retention of volunteers, including a length-of-service incentive program for volunteer firefighters;

(8) Recommendations for creating a health insurance bridge for retired career firefighters;

(9) Recommendations for creating a fund to be used to provide a death benefit for firefighters and emergency medical services persons who die in the line of duty;

(10) Recommendations regarding fire investigation and inspection service needs of the Department of Public Safety, Office of the State Fire Marshal; and

(11) Recommendations regarding grants available for fire training and fire protection needs;

(C) Develop rules of procedure necessary to carry out its duties. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter II-A;

(D) Adopt rules to carry out the purposes of Title 30-A, chapter 154, Maine Firefighter Training Fund. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter II-A;

(E) Conduct public hearings, conferences, workshops and other meetings to obtain information about and discuss and publicize the needs of and solutions to problems concerning the State's fire protection services;

(F) Assist all governmental agencies with firefighter training and education responsibilities to enhance their delivery of services to fire prevention, protection and life safety professionals, including paid, call and volunteer fire service members; and

(G) Submit proposed legislation to the Legislature to implement any recommendations of the commission.

ARTICLE II – MEMBERSHIP

Section 1 Composition

The commission consists of 21 members appointed as follows:

(A) Two members of the Senate who sit on the joint standing committee of the Legislature having jurisdiction over fire protection matters, appointed by the President of the Senate;

(B) Three members of the House of Representatives who sit on the joint standing committee of the Legislature having jurisdiction over fire protection matters, appointed by the Speaker of the House of Representatives;

(C) The State Fire Marshal or the fire marshal's designee;

(D) The Supervisor of the Forest Fire Control Division of the Maine Forest Service or the supervisor's designee;

(E) The Director of the Bureau of Labor Standards or the director's designee;

(F) One municipal fire chief who is a full-time fire chief and a member of the Maine Fire Chiefs Association, appointed by the Governor;

(G) One municipal fire chief who is a volunteer fire chief and a member of the Maine Fire Chiefs Association, appointed by the Governor;

(H) One municipal fire chief who is paid on call and a member of the Maine Fire Chiefs Association, appointed by the Governor;

(I) Six firefighters appointed as follows:

(1) Two career firefighters who are members of the Professional Fire Fighters of Maine, appointed by the Governor;

(2) Two call firefighters who are members of the Maine State Federation of Fire Fighters, appointed by the Governor; and

(3) Two volunteer firefighters who are members of the Maine State Federation of Fire Fighters, appointed by the Governor;

(J) The administrator of the Maine Fire Training and Education Program within the Maine Technical College System, or the administrator's designee; and

(K) Three persons appointed by the Governor, including:

(1) One member representing the Governor's office;

(2) One public member; and

(3) One member representing the insurance industry.

The Governor shall request a list of names from the organizations covered under paragraphs F to I from which to make appointments.

Section 2 **Appointment, Number, and Terms**

The terms of appointment are as follows.

(A) Of the initial gubernatorial appointments, 4 must be for terms of 3 years, 4 must be for terms of 2 years and 4 must be for terms of one year.

(B) Subsequent gubernatorial appointments are for terms of 3 years. Members may serve beyond their designated terms until their successors are appointed.

(C) Terms of appointment for Legislators coincide with their respective legislative terms of office.

(D) Other appointed members who are neither Legislators nor gubernatorial appointees serve for terms of 3 years.

ARTICLE III - OFFICERS AND COMMITTEES

Section 1 **Officers**

The commission may select new officers annually.

(A) Chair

A chair shall be elected by and from the membership of the Fire Commission. Elections will be held at the regularly scheduled meeting in April. The elective term of the Chair shall be for the duration of twelve (12) calendar months. It shall be possible for a person to be renominated and to serve for more than one term, subject only to the election process of the Fire Commission.

(1) The Chair shall preside at all meetings of the Fire Commission and of the Executive Committee and shall serve as an ex-officio member of all other committees.

(2) The Chair shall appoint all committees and their Chairs with the approval of the Fire Commission.

(B) Vice-Chair

A Vice-Chair shall be elected by and from the membership of the Fire Commission to serve in the absence, inability, or resignation of the Chair. Elections shall be held at the regularly scheduled meeting in April. The elective term of the Vice-Chair shall be for the duration of twelve (12) calendar months. It shall be possible for a person to be renominated and to serve more than one term, subject only to the elective process of the Fire Commission.

(C) Secretary

A Secretary shall be elected by and from the membership of the Fire Commission to serve in the absence, inability, or resignation of the Chair and the Vice-Chair. Staff shall be responsible for taking minutes. Elections shall be held at the regularly scheduled meeting in April. The elective term of the Treasurer shall be for the duration of twelve (12) calendar months. It shall be possible for a person to be renominated and to serve more than one term, subject only to the elective process of the Fire Commission. The Secretary shall ensure that all minutes and records are properly kept and are available for Fire Commission purposes.

The staff shall forward the minutes of the meeting to Fire Commission members no later than seven days prior to the next Fire Commission meeting, which requirement may be waived by the membership of the Fire Commission at a subsequent meeting. The minutes shall be submitted to

the Fire Commission membership for approval at the next meeting. Copies of the minutes shall be promptly sent to anyone who requests them.

(D) Treasurer

The Treasurer shall be elected by and from the membership of the Fire Commission to serve in the absence, inability, or resignation of the Chair, Vice-Chair, and Secretary. Elections shall be held at the regularly scheduled meeting in April. The elective term of the Treasurer shall be for the duration of twelve (12) calendar months. It shall be possible for a person to be renominated and to serve more than one term, subject only to the elective process of the Fire Commission. The Treasurer shall be responsible for all reports pertaining to the fiscal affairs of the Fire Commission and shall be the custodian of all funds that the Fire Commission might receive.

(E) Other Officers

The Chair, with the consent of the Fire Commission membership, may appoint any other officers or assistants as may be needed.

Section 2 **Committee Structure**

(A) Committees

(1) Appointment

Committees shall be established by the Chair as necessary.

(2) Membership

Non-Commission members may be appointed as Ex-officio members of a committee as deemed appropriate by the Chair.

(3) Responsibilities

The Committees shall be responsible for the initial duties and work of the Fire Commission as set out in Section 2 of Article I, herein.

(4) Meetings

Committee meetings shall be scheduled as necessary.

(B) Executive Committee

The Executive Committee of the Fire Commission shall consist of the Chair, Vice-Chair, Secretary, and Treasurer of the Fire Commission.

Three (3) members of the Executive Committee shall constitute a quorum.

Except when the Chair determines that immediate action is required, the Fire Commission membership shall be notified of the scheduling of an Executive Committee meeting no less than seven days prior to the meeting. When the Chair determines that said notice is not feasible, the Fire Commission membership shall be notified of the meeting as soon as is practicable, and shall be provided with a summary of the actions taken and matters discussed by the committee, if the meeting has already been held.

The Executive Committee shall meet at such times and places as the Chair shall determine.

Any matters upon which members of the Executive Committee can act by resolution may be so acted upon at a meeting at which the members are not actually present in one location, if each of the participating members, by means of a conference phone or other telecommunications equipment, is able to hear and be heard by each other member.

The Executive Committee shall have the power to act for the Fire Commission between meetings. However, any such action shall be subject to ratification by the Fire Commission at the next regularly scheduled meeting.

(C) Committees

(1) Appointment

The Fire Commission or the Chair may, from time to time, create committees or task forces and the Chair shall appoint all committee chairs with the consent of the Fire Commission membership.

(2) Responsibilities

The Committees or task forces shall exercise the powers delegated to them by the Fire Commission and these Bylaws. Committees shall also have such other powers and duties as delegated to them by the Chair. Committee reports and recommendations shall be

submitted to the Chair within the time prescribed, and they shall be advisory only.

(D) Conflict of Interest

Any member of the Fire Commission shall disclose his/her interest in any proposal or project involving grant-in-aid funds where, to his/her knowledge, he/she or a related person or organization directly or indirectly may derive a monetary benefit from such proposal.

ARTICLE IV - MEETINGS

Section 1 **Regular Meetings**

There shall be at least four (4) meetings of the full Fire Commission annually. Meetings of the Fire Commission shall be held at a location and time to be determined by the Chair and approved by the membership. The Chair shall have the discretion to cancel or reschedule any regular meeting by written notice within a reasonable time prior to the meeting. Fire Commission members shall be notified of the time and place of all such meetings at least seven days prior to the meeting date.

Section 2 **Special Meetings**

Special meetings of the Fire Commission may be called at the discretion of the Chair or by a written request of at least five Fire Commission members. An agenda, together with a notice of the time and place of any such meeting, must be provided the Fire Commission members at least seven days in advance. Only matters contained in the agenda shall be voted at any special meeting. The Chair shall have the discretion to cancel any special meeting, provided that such meetings called by the members of the Fire Commission are canceled only with their consent.

Section 3 **Quorum**

A simple majority of the Fire Commission sitting members shall constitute a quorum at meetings of the full Fire Commission.

Section 4 **Passage of Motions**

After a quorum is announced, a majority of those voting (defined as to those who cast “yes” or “no” votes) on a motion shall be sufficient to pass the motion and make it the official act of the Fire Commission. The Chair or any Fire

Commission member may call for a roll call vote on any motion. The minutes shall reflect the results of each roll call vote and the vote on any motion to approve, deny, or postpone consideration of a proposal for grant funds.

Section 5 **Public Meetings: Agenda**

Meetings and records of the Fire Commission shall be open to the public. The Chair shall be responsible for the preparation and distribution of the agenda for all Fire Commission meetings. The agenda shall be mailed to Fire Commission members not less than seven days in advance of scheduled meetings. Minutes shall be kept of all regular and special Fire Commission and committee meetings. They shall indicate the items discussed and any action taken. The Fire Commission minutes shall be sent to all Fire Commission members by surface or electronic mail, or in such other format as is agreed upon by the membership of the Fire Commission. Those minutes shall be provided to Fire Commission members prior to the next Fire Commission meeting, at which time they shall be considered for approval. The minutes of each committee meeting shall be provided to members of the committee prior to the next meeting of the committee, at which time they shall be considered for approval.

Section 6 **Attendance**

The Chair will recommend to the Governor and/or the leadership of the legislature the replacement of any Fire Commission member who misses more than three (3) consecutive regular meetings or who attends less than 50% of the Fire Commission's regularly scheduled meetings in a twelve (12) month period without an excused absence.

Section 7 **Rules of Order**

Robert's Rules of Order, newly revised, shall govern all matters of procedure not covered by these Bylaws or by resolution of the Fire Commission.

ARTICLE V - STAFF

If funding permits, the commission may contract for staff as needed. The staffs of the members represented on the commission may assist the commission in carrying out its functions and duties within their existing resources. The commission may contract for administrative, professional and clerical services if funding permits.

ARTICLE VI – FUNDING

The commission may seek, accept and expend outside funding to carry out its duties.

ARTICLE VII - AMENDMENT OF BYLAWS

***Section 1* Procedure**

These Bylaws may be amended or revised at any regular or special meeting by a majority vote of the members present, provided that any proposed amendment or revision shall have been presented to the Fire Commission members at at the previous meeting.